REMARKS

Claims 16-17 and 37-63 are pending in this application, upon entry of the amendment submitted above. Claims 16-17 are allowed. Claims 37-48 are rejected. Claims 49-63 are withdrawn from consideration. Favorable reconsideration is respectfully requested.

The present invention relates to an isolated bacterium belonging to the genus *Escherichia*, wherein the bacterium is modified to increase an activity of a protein which makes the bacterium harboring the protein L-threonine-resistant in comparison to a wild-type *Escherichia* bacterium by increasing expression of a DNA coding for the protein, and where the protein comprises the amino acid sequence of SEQ ID NO: 4. See Claim 37.

The rejection under 35 U.S.C. §112, first paragraph, for an alleged lack of written description, is respectfully traversed.

The characteristic of the present invention does not lie in how the expression of the target DNA could be enhanced. Rather, it lies in the fact that enhancing the expression of the target DNA results in an increase in the level of amino acid production.

A variety of methods for enhancing the expression of DNA were known to those skilled in the art at the time the present application was filed, such as (1) modifying the sequence between the initiating codon and SD sequence, (2) increasing the copy number of the DNA, and (3) substituting the promoter sequence of the DNA for a stronger one.

For increasing of the copy number of the DNA, integrating the target gene into the chromosome of the bacterium and transforming a bacterium with an expression vector comprising the target gene into the bacterium are both well-known methods. See EP0127328, which was submitted as D2 with the Response filed on July 23, 2003.

As a promoter suitable for substitution in the present invention, the promoter which functions efficiently in a bacterium belonging to the genus Escherichia can be used (see page

15, lines 16-20 of the present specification). Selecting the promoter which functions efficiently in a bacterium belonging to the genus Escherichia is well-known in the art.

In view of the teachings of the present specification and the state-of-the-art as described above, Applicants were in possession of the claimed invention at the time the present application was filed. Accordingly, the written description requirement of 35 U.S.C. §112, first paragraph, is satisfied. Withdrawal of this ground of rejection is respectfully requested.

The rejection under 35 U.S.C. §112, first paragraph, for an alleged lack of enablement is respectfully traversed.

A variety of methods for enhancing the expression of DNA were known to those skilled in the art at the time the present application was filed, such as (1) modifying the sequence between the initiating codon and SD sequence, (2) increasing the copy number of the DNA, and (3) substituting the promoter sequence of the DNA for a stronger one.

For increasing of the copy number of the DNA, integrating the target gene into the chromosome of the bacterium and transforming a bacterium with an expression vector comprising the target gene into the bacterium are both well-known methods. See EP0127328, which was submitted as D2 with the Response filed on July 23, 2003.

As a promoter suitable for substitution in the present invention, the promoter which functions efficiently in a bacterium belonging to the genus Escherichia can be used (see page 15, lines 16-20 of the present specification). Selecting the promoter which functions efficiently in a bacterium belonging to the genus Escherichia is well-known in the art.

One skilled in the art can readily select the method for enhancing the expression of DNA from those methods discussed above. Therefore, the experimentation which is required for conducting the present invention is not undue.

In view of the detailed teaching set forth in the present specification and the knowledge in the art as described above, one can make and use the claimed bacterium using routine experimentation. Since the amount of experimentation is not undue, the claims are enabled. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Applicants submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully Submitted,

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